

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO, LTD, *et al.*

Defendants.

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CIVIL ACTION NO. 2:22-CV-00293-JRG

ORDER

Before the Court is the Joint Motion for Leave Regarding Netlist and Samsung's Supplemental Expert Reports and Netlist's Supplemental Motion to Strike (the "Motion"). (Dkt. No. 668.) In the Motion, Plaintiff Netlist, Inc. ("Netlist") and Defendants Samsung Electronics Co, Ltd; Samsung Electronics America, Inc.; Samsung Semiconductor Inc. (collectively, "Samsung") request leave to supplement the following expert reports out of time:

Service Date	Party	Report Name
12/20/2023	Samsung	Supplemental Expert Report of Joseph C. McAlexander III ("Supplemental McAlexander Report")
01/01/2024	Netlist	Supplemental Expert Report of Dr. William Henry Mangione-Smith ("Supplemental Mangione-Smith Report")
02/08/2024	Samsung	Supplemental Expert Report of Lauren R. Kindler ("Supplemental Kindler Report")


The Motion was filed after these supplemental reports had already been served. However, the parties request retroactive leave for the service of these reports since they were all served after the original deadline in the Court's Docket Control Order. (*Id.*) The Supplemental McAlexander and Mangione-Smith Reports address the Court's *Markman* Order (Dkt. 228), which issued on

November 21, 2023, after the deadline for opening reports. The Supplemental Mangione-Smith Report additionally addresses the deposition of a third-party witness, Mr. Garrett Davey, produced after the deadline for opening reports. The Supplemental Kindler Report addresses documents produced after the deadline for rebuttal reports.

Netlist additionally seeks leave to file its Motion to Strike Ms. Kindler's supplemental report (Dkt. No. 669), since such would also be filed out of time. (*Id.*) Samsung does not oppose Netlist filing the Motion to Strike. (*Id.*)

Having considered the Motion (Dkt. No. 668), and noting its joint nature, the Court finds that the same should be and hereby is **GRANTED**. Accordingly, it is **ORDERED** the parties have leave to serve the supplemental reports, and Netlist has leave to file its Motion to Strike.

So ORDERED and SIGNED this 8th day of August, 2024.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE